

SENATE BILL NO. 237

INTRODUCED BY D. WEINBERG

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING STATE AND LOCAL AGENCIES OR SPECIAL DISTRICTS TO ADOPT PROCEDURES ALLOWING FEE STRUCTURES AND PROJECTED FEES TO BE USED UNDER CERTAIN CONDITIONS WHEN SELECTING ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES; AND AMENDING SECTION 18-8-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 18-8-204, MCA, is amended to read:

"18-8-204. Procedures for selection. (1) In the procurement of architectural, engineering, and land surveying services, the agency may encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services.

(2) (a) The agency shall then select, based on criteria established under agency procedures and guidelines and the law, the firm considered most qualified to provide the services required for the proposed project.

(b) The agency procedures and guidelines must be available to the public and include at a minimum the following criteria as they relate to each firm:

(i) the qualifications of professional personnel to be assigned to the project;

(ii) capability to meet time and project budget requirements;

(iii) location;

(iv) present and projected workloads;

(v) related experience on similar projects; and

(vi) recent and current work for the agency.

(c) The agency shall follow the minimum criteria of this part if no other agency procedures are specifically adopted.

1 (d) The agency may adopt procedures that allow fee structures and projected fees to be considered
2 along with the criteria in subsection (2)(b) and may use the fee information in the selection process described
3 in subsection (2)(a) only if the agency has provided all interested firms with a detailed statement of the scope
4 of the project and expected services.

5 (3) The provisions of this section do not apply to procurement of architectural, engineering, and land
6 surveying services for projects that the department of transportation has determined are part of the design-build
7 contracting pilot program authorized in 60-2-135 through 60-2-137."

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